



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/658,934 Filing Date: September 9, 2003
Confirmation No.: 3104
First Named Inventor: Chia-Shun Hsiao
Assignee: ProMOS Technologies, Inc.
Examiner: Unassigned Art Unit: Unassigned
Attorney Docket No.: M-12200-1D US

San Jose, California
October 28, 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION – FILING DATE GRANTED**

Dear Sir:

The Notice to File Missing Parts of Application – Filing Date Granted mailed by the United States Patent and Trademark Office on October 15, 2004 states that the oath or declaration is missing, and requires submission of an oath or declaration and payment of a late filing fee. In response, the following documents are enclosed to show that the declaration was timely filed:

1. A copy of the return receipt postcard as filed with this divisional application. The postcard indicates the application number as 10/658,934 and the filing date as 09/09/03. The postcard itemizes 2 pages of the Declaration for Patent Application and Power of Attorney as copied from the parent application.
2. A copy of the Utility Patent Application Transmittal filed with this application and showing that the Oath or Declaration (2 sheets) was being filed with the application and was a copy from a prior application in compliance with 37 CFR 1.63(d). (The postcard shows the Utility Patent Application Transmittal as 2 pages because the Utility Patent Application Transmittal and the Fee Transmittal were counted as one document. Both are enclosed.)

Application No. 10/658,934

3. A copy of the aforementioned Declaration for Patent Application and Power of Attorney from the parent application as submitted with this divisional application (2 pages).
4. A copy of the Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted.

No fee is believed to be required. However, the Commissioner is hereby authorized to charge any fees which may be required for responding to this Notice, or credit any overpayment to Deposit Account No. 50-2257.

Please telephone the undersigned at (408) 392-9250, ext. 212, if there are any questions. This response is being submitted in duplicate.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 28, 2004.	
<i>Michael Shenker</i>	<i>10-28-04</i>
Attorney for Applicant(s)	Date of Signature

Respectfully submitted,

Michael Shenker

Michael Shenker
Attorney for Applicant(s)
Reg. No. 34,250

Law Offices of
MacPherson Kwok Chen & Heid LLP
1762 Technology Drive, Suite 226
San Jose, CA 95110
Tel: (408) 392-9250 x 212
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MAIL STOP PATENT APPLICATION
DIRECTOR OF THE USPTO
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

22278 U.S. PTO
10/658934
09/09/03

COPY

Applicants: Chia-Shun Hsiao
Assignee: Mosel Vitelic, Inc.
Title: Floating Gate Memory Structures And Fabrication Methods
Atty Docket No.: M-12200-1D US

ENCLOSED:

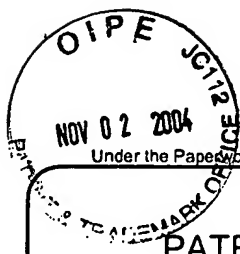
1. This Return Receipt Postcard;
2. Utility Patent Application Transmittal (2 pages in duplicate);
3. Copy of Parent Application U.S. Serial No. 10/266,378 filed on October 7, 2002, consisting of 7 pages of Specification, 2 pages of Claims, 1 page of Abstract, 8 sheets of Drawings, and 2 pages of Declaration for Patent Application and Power of Attorney;
4. Preliminary Amendment (4 pages);
5. Information Disclosure Statement under 37 CFR §1.97(b) (1 page); and
6. Form PTO-1449 citing 11 references (1 pages).

MS/jh
September 9, 2003

Express Mail Label No. EV 301 054 476 US

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by Docket Dept

SEP 19 2003



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PTO/SB/05 (08-03)

Approved for use through 07/31/05 OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. M-12200-1D US
First Inventor Chia-Shun Hsiao
Title Floating Gate Memory ...
Express Mail Label No. EV 301 054 476 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 10]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 8]
5. Oath or Declaration [Total Sheets 2]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ Paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/266,378.....

Prior application information:

Examiner Mai, Anh D.

Art Unit: 2814

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

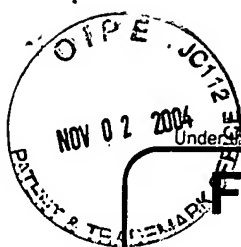
☒ Customer Number: 32605 OR ☐ Correspondence address below

Name	Michael Shenker		
Address	MacPherson Kwok Chen & Heid LLP 1762 Technology Drive, Suite 226		
City	San Jose	State	CA
Country	U.S.A.	Zip Code	95110
Telephone	408-392-9250	Fax	408-392-9262

Name (Print/Type)	Michael Shenker	Registration No. (Attorney/Agent)	34,250
Signature	<i>Michael Shenker</i>	Date	9-9-03

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 750.00**Complete if Known**

Application Number	Unassigned
Filing Date	Filed Herewith
First Named Inventor	Chia-Shun Hsiao
Examiner Name	Unassigned
Art Unit	Unassigned
Attorney Docket No.	M-12200-1D US

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

50-2257

MacPherson Kwok Chen & ..

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
1001	2001	750	375	Utility filing fee	750.00
1002	2002	330	165	Design filing fee	
1003	2003	520	260	Plant filing fee	
1004	2004	750	375	Reissue filing fee	
1005	2005	160	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 750.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid	
5	-20** = 0	18	0.00	
Independent Claims	2	-3** = 0	84	0.00
Multiple Dependent				

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description
1202	2202	18	9	Claims in excess of 20
1201	2201	84	42	Independent claims in excess of 3
1203	2203	280	140	Multiple dependent claim, if not paid
1204	2204	84	42	** Reissue independent claims over original patent
1205	2205	18	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Michael Shenker	Registration No. (Attorney/Agent)	34,250	Telephone	408-392-9250
Signature	<i>Michael Shenker</i>	Date	9-9-03		

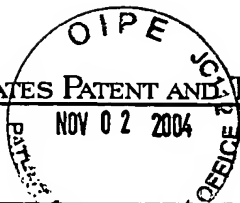
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE



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 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
 www.uspto.gov

Ifw

APPLICATION NUMBER	FILING DATE (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/658,934	09/09/2003	Chia-Shun Hsiao	M-12200-1D US

CONFIRMATION NO. 3104

FORMALITIES LETTER



OC000000014098852

MacPherson Kwok Chen & Heid LLP
 Suite 226
 1762 Technology Drive
 San Jose, CA 95110

Date Mailed: 10/15/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

M - MAINE

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE